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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 GERMAN RUVALCABA,

10 Petitioner,

Case No. C16-1970-RAJ-MAT

11 v.

REPORT AND RECOMMENDATION

12 ICE FIELD OFFICE DIRECTOR,

13 Respondent.

14 Petitioner, who is proceeding *pro se*, initiated this habeas action under 28 U.S.C. § 2241 to
15 obtain release from immigration detention. (Dkt. 6.) Petitioner has since been released on an
16 Order of Supervision. (Dkt. 10.) Respondent thus moves to dismiss this action as moot. (Dkt. 9.)
17 Petitioner did not file a response.

18 Under Article III of the U.S. Constitution, federal courts may adjudicate only actual,
19 ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). “For a habeas
20 petition to continue to present a live controversy after the petitioner’s release or deportation . . .
21 there must be some remaining ‘collateral consequence’ that may be redressed by success on the
22 petition.” *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007). Because petitioner’s habeas
23 petition challenges only the length of his detention, his claims were fully resolved by release from

1 custody. *See id.* at 1065. Accordingly, there is no collateral consequence that could be redressed
2 by the Court, and petitioner's habeas petition must be dismissed as moot. *See id.*

3 The Court thus recommends that respondent's motion to dismiss (Dkt. 9) be GRANTED,
4 petitioner's habeas petition be DENIED, and this action be DISMISSED with prejudice. A
5 proposed order accompanies this Report and Recommendation.

6 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
7 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
8 and Recommendation is signed. Failure to file objections within the specified time may affect
9 your right to appeal. Objections should be noted for consideration on the District Judge's motions
10 calendar for the third Friday after they are filed. Responses to objections may be filed within
11 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be
12 ready for consideration by the District Judge on **May 12, 2017**.

13 The Clerk is directed to send copies of this Report and Recommendation to petitioner at
14 his address of record and at the address he provided to respondent upon his release from custody
15 (*see* Dkt. 9 at 3).

16 DATED this 18th day of April, 2017.

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19 Mary Alice Theiler
United States Magistrate Judge